

**AMENDMENTS TO THE CLAIMS WITH MARKINGS TO SHOW CHANGES
MADE, AND LISTING OF ALL CLAIMS WITH PROPER IDENTIFIERS**

1. (Canceled)
2. (Previously Presented) The apparatus as claimed in claim 9, further comprising at least one receiver which detects three time-dependent magnetic field components.
3. (Previously Presented) The apparatus as claimed in claim 9, further comprising an evaluation unit for determining at least one parameter selected from the group consisting of position, direction of the instrument axis, and roll angle of the instrument.
4. (Previously Presented) The apparatus as claimed in claim 9, further comprising a magnetic field sensor disposed in the instrument axis, and a magnet which is disposed outside the instrument axis.
- 5.-6. (Canceled)
7. (Previously Presented) The apparatus as claimed in claim 9, wherein the drive is an electrical drive.
8. (Previously Presented) The apparatus as claimed in claim 9, wherein the drive is a hydraulic drive using liquid to drive the magnet.

9. (Currently amended) An apparatus for location of an instrument, comprising:
at least one magnet, each magnet operably attached to the instrument,
which each magnet being rotatable independently of a rotation of the
instrument and adapted to produce produces a moving magnetic field to
generate a magnetic moment which is perpendicular to an axis of the
instrument and is rotatable independently of the instrument; and
a drive for rotating the magnet which is independent of the instrument
shaft[,];
a measuring unit for measuring wherein a roll angle of the instrument is
measured by in response to a variable magnetic field component, which
depends on the roll angle; and
variation means for varying the magnetic field generated by the magnet.
10. (Previously presented) The apparatus as claimed in claim 9, further
comprising means for providing a reproducible deflection of the magnet from
its rotation axis.
11. (Previously presented) The apparatus as claimed in claim 9, further
comprising a coupling which temporarily interrupts the rotation of the magnet.
12. (Previously presented) The apparatus as claimed in claim 9, wherein the
magnet is composed of magnet elements that move with respect to one
another and whose elements are shifted by a driver at a specific roll angle.
13. (Previously Presented) The apparatus as claimed in claim 9, wherein the
instrument has a member selected from the group consisting of drill, cutting
or impact apparatus, at least one needle, and at least one set of forceps.
14. (Previously Presented) The apparatus as claimed in claim 9, wherein the
instrument has at least one opening for ejection of a liquid.

15. (Previously Presented) The apparatus as claimed in claim 9, wherein the instrument has an apparatus for production/emission of light beams, laser beams, radioactive beams, sound waves or ultrasound waves.
16. (Previously Presented) The apparatus as claimed in claim 9, wherein the instrument has an apparatus for recording optical images or ultrasound images.
17. (Previously Presented) The apparatus as claimed in claim 9, wherein the instrument has an apparatus for emission of electrical pulses or for recording electrical data.
18. (Previously Presented) The apparatus as claimed in claim 9, further comprising two or more transmitters and/or receivers for processing signals commensurate with a position of the instrument at different points.
19. (Previously presented) The apparatus as claimed in claim 18, wherein each transmitter is constructed as a permanent magnet and/or electromagnet and configured for a transmitter identification by different frequencies, amplitudes and/or by the production of different analog or digital values.
20. (Previously Presented) The apparatus as claimed in claim 9, further comprising a frequency modulation and/or amplitude modulation for variation of the magnetic field generated by the magnet.
21. (Previously Presented) The apparatus as claimed in claim 9, further comprising a gradual shielding of the magnet.
- 22.-25 (Canceled)

26. (Currently amended) A method of determining the location of an instrument, comprising the steps of:

providing rotating at least one magnet~~[[,]]~~ which ~~rotates~~ in an area of the instrument to produce a magnetic field to generate a magnetic moment perpendicular to an axis of the instrument;

detecting three time-dependent magnetic field components of the magnetic field; and

modulating frequency ~~modulation~~ of the rotation for variation of the magnetic field generated by the magnet to minimize the influence of a disturbing external magnetic field or to distinguish the magnetic field from another magnetic field.

27. (Canceled)

- 28.-30. (Canceled)

31. (Currently amended) A method of determining the location of an instrument, comprising the steps of:

producing a magnetic field by a rotating magnet to generate a magnetic moment ~~by a rotating magnet~~ perpendicular to an axis of the instrument, with the magnet configured as a transmitter and connected to the instrument;

detecting three time-dependent magnetic field components by a receiver; and

modulating frequency ~~modulation~~ of the rotation for variation of the magnetic field generated by the magnet to minimize the influence of a disturbing external magnetic field or to distinguish the magnetic field from another magnetic field.

32. (Canceled)